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Compilation on Vanuatu

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. In 2016, the Committee on the Elimination of Discrimination against Women encouraged Vanuatu to ratify the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[3] In 2017, the Committee on the Rights of the Child also recommended ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.[4]

3. The Committee on the Elimination of Discrimination against Women recommended ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.[5] The Committee on the Rights of the Child urged Vanuatu to ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.[6]

III. National human rights framework[7]

4. The Committee on the Rights of the Child welcomed the establishment of the Vanuatu Law Commission and the ongoing legislative reform, and recommended the implementation of the revisions suggested by the Commission.[8]

5. The Committee on the Rights of the Child was concerned that the criminal law of Vanuatu did not define and criminalize all forms of offences under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, including all forms of the sale of children, and did not adequately protect all children under the age of 18 years.[9] It also stated that the Control of Marriage Act and the Penal Code still had to be harmonized with the Convention.[10]

6. The Committee on the Rights of the Child recommended that Vanuatu bring its Penal Code and other relevant legislation into full compliance with articles 2 and 3 of the aforementioned Optional Protocol. It also recommended that Vanuatu clearly stipulate that a child under 18 years of age, irrespective of the legal age of consent to sexual activity, was unable to consent to any form of sexual exploitation, including child pornography and child prostitution; and define and criminalize all forms of the sale of children.[11] In addition, it recommended that Vanuatu include in its Penal Code provisions concerning criminal proceedings and special protection measures for children.[12]

7. The Committee on the Rights of the Child recommended criminalizing the recruitment or use in hostilities of children under 18 years of age by non-State armed groups.[13]

8. While noting that the legislation of Vanuatu provided for extraterritorial jurisdiction over certain crimes, the Committee on the Rights of the Child recommended that it should include in its extraterritorial jurisdiction legislation the offences under the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and the sale of children, child prostitution and child pornography.[14] The Committee also recommended that the dual criminality requirement not be applied in cases of extradition for crimes covered by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.[15]

9. The Committee on the Rights of the Child recommended drafting a bill on child protection, as envisaged under the Vanuatu Child Protection Work Plan (2016–2017).[16]

10. The Committee on the Rights of the Child recommended implementing the Family Protection Act (2008).[17]

11. The Committee on the Elimination of Discrimination against Women noted that an employment relations bill was being prepared.[18]

12. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the National Gender Equality Policy (2015–2019), the Reproductive Health Policy (2015) and its Implementation Strategy (2016–2018), the National Law and Justice Sector Strategy (2010–2017) and the Gender Equity in Education Policy (2005–2015), in an effort to eliminate discrimination against women and promote gender equality.[19]

13. The Committee on the Elimination of Discrimination against Women recommended that Vanuatu upgrade the Department of Women's Affairs to a ministry and provide it with adequate resources to enable it to develop sustainable and comprehensive policies on gender equality and to effectively coordinate gender mainstreaming at all levels of government.[20]

14. The Committee on the Rights of the Child welcomed the National Child Protection Policy (2016–2026) and recommended allocating appropriate resources for its implementation.[21] It recommended that Vanuatu adopt a comprehensive national strategy for children, with appropriate resources,[22] and develop a policy for the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, with sufficient resources.[23] It also recommended that Vanuatu adopt a national action plan to address all the issues covered under the Optional Protocol to

the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, with adequate resources for its implementation.[24]

15. The Committee on the Rights of the Child also took note of the Education Act (2014), the Inclusive Education Policy and Strategic Plan (2010–2020), the Early Childhood Care and Education Policy (2017–2021) and the accompanying Minimum Quality Service Standards (2017) and the Vanuatu National Language Policy (2012).[25]

16. The Committee on the Rights of the Child was concerned that the National Children's Committee had not been fully functional since 2012 and recommended that Vanuatu provide it with the necessary human, technical and financial resources for its effective operation. It also recommended that Vanuatu progressively allocate sufficient financial resources to fund the child-focused officer positions at the national and provincial levels.[26]

17. The Committee on the Rights of the Child recommended that Vanuatu strengthen its data-collection system to ensure that it captured qualitative and quantitative disaggregated data on children, including children with disabilities, particularly at the provincial level, and provide appropriate human, technical and financial resources.[27]

18. The Committee on the Elimination of Discrimination against Women recommended that Vanuatu establish an independent national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[28] The Committee on the Rights of the Child also recommended that Vanuatu take measures to expeditiously establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children's rights that was able to receive, investigate and address complaints by children in a child-sensitive manner.[29] In that regard, the same Committee recommended that Vanuatu seek technical cooperation from, among others, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme.[30]

19. The Committee on the Rights of the Child recommended that Vanuatu strengthen its national mechanism for reporting and follow-up, the National Human Rights Committee.[31]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[32]

20. The Committee on the Rights of the Child was concerned about the remaining de jure and de facto discrimination of children based on gender and disabilities, and recommended ending all forms of discrimination against them, particularly against girls and against children with disabilities.[33]

21. The Committee on the Elimination of Discrimination against Women recommended that Vanuatu amend its Constitution and other relevant legislation to incorporate fully the principle of equality between women and men and a prohibition of discrimination based on sex and gender, covering direct and indirect discrimination in both the public and private spheres.[34]

22. The Committee on the Rights of Persons with Disabilities requested information on the measures taken to include disability as a prohibited grounds of discrimination in the Constitution and other legislation and to remove the use of terminology that was not in accordance with the Convention on the Rights of Persons with Disabilities from existing laws. It also asked for further elaboration on the measures taken to ensure that the anti-discriminatory framework encompassed all forms of discrimination on the basis of

disability, including the denial of reasonable accommodation and discrimination by association.[35]

2. Development, the environment, and business and human rights[36]

23. It was indicated in the United Nations Pacific Strategy (2018–2022) that Vanuatu was considered the world's most at-risk nation to natural disasters. In 2015, Cyclone Pam, one of the worst natural disasters ever to hit Vanuatu, had caused widespread damage to 22 islands and 166,000 people (two thirds of the population) had required urgent humanitarian assistance. Severe weather events were expected to increase in frequency and intensity as a result of climate change and threatened the social and economic progress of Vanuatu.[37]

24. The Committee on the Elimination of Discrimination against Women noted the vulnerability of Vanuatu to environmental and climate change and natural disasters, and welcomed the Climate Change and Disaster Risk Reduction Policy (2016–2030).[38] It recommended that women, including those living on the outer islands, be included and actively participate in planning, decision-making and implementation processes concerning disaster risk reduction, post-disaster management and climate change policies.[39]

25. The Committee on the Rights of the Child recommended that Vanuatu develop a comprehensive disaster-sensitive social protection system, taking into account the special vulnerabilities and needs of children; review the emergency protocols to include support to children with disabilities during emergencies and natural disasters; and increase the physical safety and resilience of school infrastructure.[40]

B. Civil and political rights

1. Right to life, liberty and security of person[41]

26. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that it had recorded no killings of journalists or media workers in Vanuatu since 2008.[42]

2. Administration of justice, including impunity, and the rule of law[43]

27. The Committee on the Elimination of Discrimination against Women noted that customary law and the formal justice system existed side by side, recommending that Vanuatu develop a strategy that ensured that traditional justice mechanisms complied with human rights standards when addressing women's complaints.[44]

28. The Committee on the Elimination of Discrimination against Women remained concerned about women's limited access to justice, particularly on the outer islands, and their difficulties in obtaining effective remedies and redress in both the traditional and formal justice systems. It was also concerned about the lack of procedural accommodation by the justice system for women and girls with disabilities. It recommended that Vanuatu raise women's awareness of their rights and how to enforce them; establish effective remedies in both the formal and traditional justice systems to enable women to obtain redress; provide capacity-building to judges, lawyers and law enforcement officers on women's rights; and allocate resources to the formal justice system, especially on the outer islands.[45]

29. The Committee on the Rights of Persons with Disabilities requested information on the measures taken to raise awareness among persons with disabilities about their right to gain access to justice and to ensure that they had access to legal aid, including free counselling and legal aid from the Public Solicitor's Office, on an equal basis with others, particularly those with limited financial resources.[46]

30. The Committee on the Rights of the Child expressed concern that, while the amendment of the Correctional Services Act had increased the definition of juvenile to 18 years,[47] there was no law governing the administration of juvenile justice, and that the minimum age of criminal responsibility was set at 10 years.[48] It also expressed concern that the Penal Code provided for detention, as a measure of last resort, only for children under

16 years.[49] It urged Vanuatu to bring its juvenile justice system fully into line with the relevant standards and, in particular, to adopt legislation for the administration of juvenile justice, establish specialized juvenile courts and procedures with adequate resources and raise the minimum age of criminal responsibility in accordance with acceptable international standards.[50]

3. Fundamental freedoms and the right to participate in public and political life[51]

31. UNESCO noted that defamation remained criminalized under article 120 of the Penal Code, and that those guilty of such a crime could face a prison sentence of three years.[52]

32. The Committee on the Elimination of Discrimination against Women welcomed the amendment of the Municipalities Act in 2013 and the introduction of a 30 per cent quota for women's representation in all municipal councils.[53] It remained concerned, however, about women's underrepresentation in political and public life, especially at the decision-making level.[54]

33. The Committee on the Elimination of Discrimination against Women recommended that Vanuatu enact legislation to reserve at least 30 per cent of seats in Parliament for women; increase the percentage of women in appointed government positions, the foreign service and the judiciary, particularly at the senior level; promote women's participation in customary bodies; ensure that women representatives on provincial councils had equal voting rights; and establish a mechanism to monitor the implementation of minimum quotas for women's representation in elected and appointed bodies.[55]

34. The Committee on the Rights of Persons with Disabilities asked Vanuatu to describe the measures taken to promote and encourage the meaningful participation of all persons with disabilities, particularly women with disabilities, in decision-making processes in public affairs at all levels, and to ensure that such processes were inclusive and accessible, including through Easy Read.[56]

4. Prohibition of all forms of slavery

35. The Committee on the Elimination of Discrimination against Women expressed concerns about the absence of a law to prevent, suppress and punish trafficking in persons, in particular women and girls, and the lack of data on trafficking and exploitation of prostitution. It recommended that Vanuatu adopt such a law to prevent, suppress and punish trafficking in persons, particularly women and girls, and provide capacity-building for law enforcement officers and legal practitioners on early referral of, and gender-sensitive procedures and assistance to, victims of trafficking in persons.[57]

5. Right to privacy and family life

36. While noting the review of discriminatory laws undertaken by the Law Reform Commission in order to propose amendments as part of its programme of comprehensive family law reform, the Committee on the Elimination of Discrimination against Women recommended that Vanuatu expedite that review so that both spouses had equal rights and responsibilities during marriage and upon its dissolution.[58] The Committee on the Rights of the Child urged Vanuatu to adopt a comprehensive family law reform.[59] In addition, the Committee expressed serious concern that the minimum age for marriage was still set at 16 years for girls under the Control of Marriage Act. In that regard, it urged Vanuatu to revise the Control of Marriage Act to ensure that the minimum age for marriage was established at 18 years for both girls and boys, and to take all measures necessary to eliminate child marriages.[60]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

37. The Committee on the Elimination of Discrimination against Women noted with concern that most women were self-employed or employed in the informal sector. It

recommended that Vanuatu combat discrimination in the workplace and promote equal opportunities for and equal treatment of women in employment in both the public and private sectors, through comprehensive legislation; promote women's access to employment in the formal sector with adequate social security coverage; and monitor the working conditions of self-employed women and women in the informal economy. It also recommended that Vanuatu criminalize sexual harassment in the workplace and establish effective complaint mechanisms.[61]

2. Right to social security

38. The Committee on the Rights of Persons with Disabilities requested information on the measures taken to ensure the access of persons with disabilities to social protection and poverty reduction programmes that were gender and age appropriate and covered disability-related extra costs, particularly in rural areas.[62]

3. Right to an adequate standard of living[63]

39. The Committee on the Rights of the Child expressed concern about the prevalence of child poverty and regional disparities among the provinces in terms of access to housing, education, water, food and health care. It recommended that Vanuatu consider holding targeted consultations with families, children and children's rights civil society organizations on the issue of child poverty. It also recommended that Vanuatu expand coverage to reach groups in disadvantaged situations that did not have improved access to water and sanitation, especially in rural and remote communities, in health-care facilities and in schools, including early childhood care education centres.[64]

4. Right to health[65]

40. The Committee on the Elimination of Discrimination against Women noted with concern the limited access of women and girls to health services and to medical treatment and rehabilitation services for victims of gender-based violence. It recommended that Vanuatu ensure the availability of health services throughout the territory, including on the outer islands, and develop protocols and ensure the provision of skilled medical aid to women and girls who were victims of physical or sexual violence. It also recommended that Vanuatu ensure access to mainstream health services, including sexual and reproductive health services, for women and girls with disabilities, especially in remote areas.[66]

41. The Committee on the Rights of the Child expressed concerns about the high rate of teenage pregnancies and sexually transmitted infections among adolescents, and the limited access to safe reproductive and sexual health services, especially in rural areas and the outer islands, and to methods of birth control.[67] It recommended that Vanuatu adopt a comprehensive sexual and reproductive health policy, improve access to reproductive health-care services, increase support to reproductive health and family planning services and improve access to affordable contraceptive methods.[68]

42. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child recommended that Vanuatu introduce age-appropriate education on sexual and reproductive health and rights and responsible sexual behaviour for girls and boys, in order to prevent early pregnancy and sexually transmitted infections.[69]

43. The Committee on the Rights of the Child was concerned that abortion was a criminal offence without any exceptions. It recommended that Vanuatu decriminalize abortion in cases of rape, incest and other unwanted pregnancies, and ensure access to safe abortion and post-abortion care services.[70]

44. The Committee on the Rights of the Child expressed concerns about the high rates of infant and under-5 mortality; low vaccination coverage, particularly in rural areas and the outer islands; and stunting, and the prevalence of underweight and malnutrition, which was a leading cause of child death. It recommended that Vanuatu ensure adequate health facilities and improve access to basic health-care services, particularly in rural and remote areas.[71]

45. The Committee on the Rights of the Child expressed concern that no new policy or action plan on children's mental health had been developed. It was also concerned about the insufficient number of personnel specialized in children's mental health issues. It recommended that Vanuatu evaluate the lapsed National Mental Health Policy (2009–2015) and its accompanying plan of action, and take all measures necessary, including regional cooperation, to increase the capacity and number of personnel specialized in children's mental health issues.[72] Similarly, the Committee on the Rights of Persons with Disabilities requested information on the progress achieved in drafting a new Mental Health Act and the measures to ensure that the Act was in accordance with the Convention.[73]

5. Right to education[74]

46. While noting the increased enrolment rates, the Committee on the Rights of the Child was concerned at education not being compulsory and the disparities in the quality of and access to education between urban and remote areas.[75] The Committee on the Elimination of Discrimination against Women noted with concern the indirect costs of schooling at the primary and secondary levels.[76] The Committee on the Rights of the Child recommended that Vanuatu make primary education free and compulsory, increase the number of certified teachers and funding for education and ensure equal access to quality education in all provinces. It also recommended that Vanuatu increase enrolment at the early childhood education and secondary school levels, and put in place programmes to facilitate access to non-formal education programmes for overage children.[77]

47. The Committee on the Elimination of Discrimination against Women noted with concern the high dropout rates among girls at the secondary level of education, the reported incidents of sexual violence in schools involving both male teachers and pupils and the very limited number of girls applying for tertiary education scholarships. It recommended that Vanuatu take measures to retain girls in school, adopt re-entry and inclusive education laws enabling pregnant girls, young mothers and married girls under 18 years of age to remain in or return to school, and ensure that girls were not expelled from school on grounds of pregnancy. It also recommended that Vanuatu adopt a zero-tolerance policy for cases of sexual violence in schools and provide girls with career counselling.[78]

48. UNICEF reported that, in targeted provinces of Vanuatu, primary school teachers were supported through school-based professional development and head teachers were supported through instructional leadership. Activities for early childhood community facilitators strengthened their capacity to deliver, through monthly home visits, parenting support in early childhood related to early learning and school readiness. It also noted the results of a subsequent survey of parents, which revealed that 85 per cent of families read to their children and interacted with them using children's storybooks.[79]

D. Rights of specific persons or groups

1. Women[80]

49. The Committee on the Elimination of Discrimination against Women was concerned at the persistence of discriminatory gender stereotypes and patriarchal attitudes.[81] It recommended that Vanuatu put in place a comprehensive strategy to eliminate those attitudes and stereotypes, engaging civil society organizations and the mass media,[82] and adopt specific and results-oriented temporary measures in all areas in which women were underrepresented or disadvantaged.[83] The Committee on the Rights of the Child recommended that Vanuatu develop strategies to change the negative attitudes against unmarried mothers.[84]

50. The Committee on the Elimination of Discrimination against Women was deeply concerned at the pervasive levels of domestic violence and at the high prevalence of sexual abuse of girls under 15 years of age, mostly by male family members and partners. It was also concerned about the persistence of harmful practices, such as bride price, and accusations of witchcraft against women. It urged Vanuatu to ensure protection orders, legal remedies and assistance for women victims of domestic violence; prosecute and punish perpetrators; put an end to the application of customary law that provided for the

payment of bride prices; and investigate violence against, and the murder of, women and girls based on accusations of witchcraft or sorcery, and prosecute and punish the perpetrators.[85]

51. In 2018, Vanuatu confirmed that violence against women and children was widespread with 60 per cent of women experiencing physical and/or sexual violence by an intimate partner in their lifetime.[86] It also stated that the Government had amended the Penal Code through the Penal Code (Amendment) Act No. 15 (2016), which reflected the Government's intention to increase prison sentences for all gender-related offences, particularly sexually related offences.[87]

52. The Committee on the Elimination of Discrimination against Women was concerned that polygamy was not prohibited, and that the registration of customary marriages was not mandatory, preventing women from claiming their legal rights. It recommended the prohibition of polygamy and the registration of all customary marriages.[88]

53. While noting the adoption of the Customary Land Management Act No. 33 (2013), the Committee on the Elimination of Discrimination against Women remained concerned that the customary landownership system did not guarantee women equal rights to landownership and inheritance. It called upon Vanuatu to ensure that women had equal rights to landownership and land inheritance, and to eliminate discriminatory customs and traditional practices that affected the full enjoyment of those rights.[89]

2. Children[90]

54. While noting the progress in birth registration coverage, the Committee on the Rights of the Child recommended that Vanuatu strengthen its efforts to implement early birth registration procedures and the issuance of birth certificates with a special focus at the community level; improve birth registration outside hospital facilities; and ensure the accuracy of registration details for children born out of wedlock and to adolescent mothers.[91] In that regard, UNICEF noted that, in August 2017, the Vanuatu Cabinet had approved the National Civil Registration and Vital Statistics policy, which allowed the State Law Office to resume work to finalize the proposed amendments to the Civil Status Act that had been put on hold pending approval of the policy. It also highlighted that a public awareness campaign would be carried out to inform the public about the new provisions. The objectives of the newly adopted policy included universal civil registration of births and deaths, the provision of legal documentation as proof of identity and access to services for all in the production, dissemination and utilization of accurate vital statistics.[92]

55. The Committee on the Rights of the Child recommended that Vanuatu amend its existing legislation, in particular the Family Protection Act and the Penal Code, to explicitly prohibit corporal punishment in all settings; immediately and effectively implement the Education Act prohibiting corporal punishment in schools and strengthen teacher training on alternative forms of discipline and ensure it was part of pre- and in-service training programmes; develop guidelines for the implementation of the prohibition of corporal punishment in accordance with the Education Act and vigorously prosecute offenders; provide programmes for parents, teachers, the police and professionals who worked with and for children to encourage the use of alternative non-violent forms of discipline; provide children with a complaints mechanism in schools so that they could safely and confidentially report teachers who continued to use corporal punishment despite the ban; and strengthen awareness-raising programmes, training and other activities to promote the change of mindset regarding corporal punishment, particularly in schools, in the family and at the community level.[93]

56. The Committee on the Rights of the Child remained concerned at the reportedly high level of sexual abuse of children, including sexual harassment within communities. It urged Vanuatu to tackle domestic violence, child abuse and sexual exploitation, paying particular attention to its gender dimension; ensure adequate resources for the Family Protection Units of the police, for dealing with those cases; introduce special court procedures to hear evidence from child victims of violence; ensure psychological and recovery services for child victims; and combat the stigmatization of child victims of sexual exploitation and abuse, including incest.[94]

57. Concerned at the reported dissemination of child sexual exploitation material through mobile telephones, the Committee on the Rights of the Child recommended that Vanuatu adopt the draft cybercrime policy on preventing and addressing online child sexual exploitation and abuse, launch a public awareness-raising education programme and introduce mandatory school education on online behaviour and safety.[95]

58. The Committee on the Rights of the Child recommended that Vanuatu adequately document and effectively investigate all cases of the sale of children, child prostitution and child pornography, and prosecute and punish perpetrators.[96] It also recommended that Vanuatu adopt additional measures to eliminate the exploitation of children for prostitution.[97] It further recommended that Vanuatu establish the criminal liability of legal persons for all offences defined in articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.[98]

59. Concerned about the harmful customary practice of exchanging children between tribes for the purposes of keeping peace in the community, the Committee on the Rights of the Child recommended that Vanuatu expedite legislation criminalizing such a practice.[99]

60. The Committee on the Rights of the Child was concerned at the lack of progress in the elimination of the worst forms of child labour. It urged Vanuatu to adopt a policy on child labour and a list of hazardous work for children and ensure that no child under 18 years engaged in such work; put in place social programmes that targeted the elimination or prevention of child labour, especially its worst forms; and establish child-specific complaint mechanisms.[100]

61. The Committee on the Rights of the Child recommended that Vanuatu establish the referral and follow-up procedures provided for under the Family Protection Act, as well as specialized mechanisms and procedures for the identification of children at risk of becoming victims of the offences covered by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, particularly children in vulnerable situations and girls, including asylum-seeking and refugee children, and unaccompanied migrant and undocumented children.[101] It further recommended that Vanuatu provide child victims of offences covered by the same Optional Protocol with appropriate assistance, including for their physical, psychological and full social reintegration.[102]

62. The Committee on the Rights of the Child was concerned that the alternative care of children was not regulated, and that most children in alternative care were placed under kinship care or with extended family due to the absence of social welfare services. It recommended that Vanuatu establish a legal framework for monitoring family-based care for children and alternative care institutions and a system of foster care and quality standards for all available forms of alternative care options, and periodically review the placement of children in foster care and institutions.[103]

63. While welcoming the progress made to speed up the process of formal adoption, the Committee on the Rights of the Child was concerned that children were often adopted through informal arrangements (*kastom*) by their extended family or members of the same community. It urged Vanuatu to expedite the Vanuatu Law Commission's review of the Adoption Act (1958), develop adoption-related regulations and guidelines, establish a unit to oversee formal adoption processes with adequate resources, and establish monitoring mechanisms of informal adoptions.[104]

3. Persons with disabilities[105]

64. The Committee on the Rights of Persons with Disabilities asked Vanuatu to provide information on the measures taken to domesticate the Convention on the Rights of Persons with Disabilities, particularly taking into consideration the recommendations of the legislative review by the Ministry of Justice in 2016.[106]

65. The Committee on the Rights of Persons with Disabilities requested information on the measures taken to adopt statistics and improve data-collection processes on the rights of persons with disabilities, disaggregated by sex, age, disability, geographic location and

other characteristics relevant in the national context, taking into account the human rights-based model of disability and the Washington Group Short Set of Questions on Disability and with the full and meaningful participation of representative organizations of persons with disabilities.[107]

66. The Committee on the Rights of the Child noted the ongoing consultation process on the inclusive disability policy, the drafting of the Disability Bill, the appointment of the Disability Desk Officer and the Inclusive Education Policy and Strategic Plan (2010–2020).[108]

67. The Committee on the Rights of Persons with Disabilities also asked Vanuatu to provide information on the measures taken to establish the National Disability Council as provided for in the National Disability Policy and Action Plan (2008–2015).[109]

68. The Committee on the Elimination of Discrimination against Women expressed concern about the lack of specific measures to protect the rights of women and girls with disabilities and the absence of mechanisms to protect them from multiple and intersecting forms of discrimination. It called upon Vanuatu to mainstream their rights across all laws, policies and programmes regarding gender equality.[110] The Committee on the Rights of Persons with Disabilities requested information on how the Family Protection Act and the National Gender Equality Policy (2015–2019) contributed to the effective fulfilment of the rights of women and girls with disabilities, in particular the rights to gain access to health services.[111] In that connection, it requested information on the measures taken to ensure that persons with disabilities had access to affordable, accessible, quality and culturally sensitive health services, in private and public settings, including sexual and reproductive health services.[112]

69. The Committee on the Rights of the Child expressed concerns at the stigmatization of children with disabilities and their limited access to inclusive education, transportation, public spaces, rehabilitation, and early identification and referral programmes. It urged Vanuatu to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities, adopt the Disability Bill, implement the National Disability Inclusive Development Policy (2016–2025) and address discrimination and stigma against children with disabilities.[113]

70. UNICEF noted that more than 40 children with disabilities, their parents and caregivers from four communities continued to benefit from a UNICEF-supported early intervention programme implemented by the Vanuatu Society for Persons with Disability. The programme aimed at preparing children for integration into mainstream schools and sporting activities, while equipping parents and caregivers with nurturing and learning stimulation skills. An expansion of that partnership created synergies and valuable collaborations with other agencies and ministries to improve the situation of children with disabilities. More specifically, UNICEF highlighted that, in partnership with the Vanuatu Society for Persons with Disabilities, young children with disabilities were provided with early stimulation, support with their integration into mainstream schools and referrals for medical needs and/or assistive devices.[114]

71. The Committee on the Rights of Persons with Disabilities requested information on the measures taken to ensure that the implementation of the Inclusive Education Policy and Strategic Plan (2010–2020) ensured access to inclusive education for all children with disabilities in accordance with the Convention. It also asked that Vanuatu explain the other initiatives taken to effectively implement an inclusive education system.[115]

72. The Committee on the Rights of Persons with Disabilities requested information on the specific mechanisms and channels available to children with disabilities to express their views on all matters affecting them, and the measures taken to ensure that their views were taken into consideration.[116]

73. The Committee on the Rights of Persons with Disabilities also requested information on the legal, administrative, programmatic and any other measures, including budget allocations, to remove barriers, whether physical or informational, faced by persons with disabilities in accessing public places and services, including roads, buildings,

transportation and schools, and increasing the accessibility of persons with disabilities to travel across all parts of Vanuatu.[117]

4. Migrants, refugees, asylum seekers and internally displaced persons

74. The Committee on the Rights of the Child recommended that Vanuatu put in place mechanisms to identify refugee, asylum-seeking and migrant children, including unaccompanied children, who might have been involved in hostilities, and provide them with appropriate assistance for their physical and psychological recovery and social reintegration.[118]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Vanuatu will be available at www.ohchr.org/EN/Countries/AsiaRegion/Pages/VUIndex.aspx.
[2] For relevant recommendations, see A/HRC/26/9, paras. 99.1–99.14, 99.29–99.31, 99.70–99.71 and 99.106.
[3] CEDAW/C/VUT/CO/4-5, para. 46. See also CRC/C/VUT/CO/2-4, para. 53 (a)–(b) and (d).
[4] CRC/C/VUT/CO/2-4, paras. 52 and 53 (c) and (e). See also CRC/C/OPAC/VUT/CO/1, para. 19.
[5] CEDAW/C/VUT/CO/4-5, para. 23 (a).
[6] CRC/C/VUT/CO/2-4, para. 33 (f).
[7] For relevant recommendations, see A/HRC/26/9, paras. 99.15–99.28, 99.32 and 99.109.
[8] CRC/C/VUT/CO/2-4, paras. 5–6 (a). See also CEDAW/C/VUT/CO/4-5, para. 38.
[9] CRC/C/OPSC/VUT/CO/1, para. 23. See also para. 7.
[10] CRC/C/VUT/CO/2-4, para. 5.
[11] CRC/C/OPSC/VUT/CO/1, para. 24 (a)–(b). See also para. 8.
[12] Ibid., para. 34 (b).
[13] Ibid., para. 12.
[14] Ibid., para. 13 and CRC/C/OPSC/VUT/CO/1, para. 30.
[15] CRC/C/OPAC/VUT/CO/1, para. 15.
[16] CRC/C/VUT/CO/2-4, para. 6 (b).
[17] Ibid., para. 6 (c).
[18] CEDAW/C/VUT/CO/4-5, para. 28.
[19] Ibid., para. 5. See also paras. 18 and 30.
[20] Ibid., para. 13.
[21] CRC/C/VUT/CO/2-4, paras. 7–8 (a).
[22] Ibid., para. 8 (b).
[23] CRC/C/OPAC/VUT/CO/1, paras. 6 and 8.
[24] CRC/C/OPSC/VUT/CO/1, para. 10.
[25] CRC/C/VUT/CO/2-4, para. 46.
[26] Ibid., paras. 9–10 (a)–(b). See also CRC/C/OPSC/VUT/CO/1, paras. 11–12.
[27] CRC/C/VUT/CO/2-4, para. 13 (c).
[28] CEDAW/C/VUT/CO/4-5, para. 15.
[29] CRC/C/VUT/CO/2-4, para. 15 (a).
[30] Ibid., para. 15 (b).
[31] Ibid., para. 56.
[32] For relevant recommendations, see A/HRC/26/9, paras. 99.35–99.36 and 99.38–99.44.
[33] CRC/C/VUT/CO/2-4, paras. 19–20.
[34] CEDAW/C/VUT/CO/4-5, para. 9.
[35] CRPD/C/VUT/Q/1, para. 3 (a)–(b).
[36] For relevant recommendations, see A/HRC/26/9, paras. 99.105 and 99.107–99.108.
[37] United Nations Pacific Strategy 2018–2022, p. 72.
[38] CEDAW/C/VUT/CO/4-5, para. 36.
[39] Ibid., para. 37. See also CEDAW/C/VUT/CO/4-5/Add.1, paras. 32–41.
[40] CRC/C/VUT/CO/2-4, para. 43 (b)–(d).
[41] For relevant recommendations, see A/HRC/26/9, paras. 99.37 and 99.59.
[42] UNESCO submission for the universal periodic review of Vanuatu, para. 8.
[43] For relevant recommendations, see A/HRC/26/9, paras. 99.56–99.58 and 99.60–99.66.
[44] CEDAW/C/VUT/CO/4-5, paras. 10 and 11 (c).
[45] Ibid., paras. 10–11 (a)–(b) and (d).
[46] CRPD/C/VUT/Q/1, para. 14 (b).
[47] CRC/C/VUT/CO/2-4, para. 50.

[48] Ibid., para. 50 (a)–(b).
[49] Ibid., para. 50 (c).
[50] Ibid., para. 51 (a)–(c).
[51] For relevant recommendations, see A/HRC/26/9, paras. 99.74–99.75.
[52] UNESCO submission, para. 6.
[53] CEDAW/C/VUT/CO/4-5, para. 16.
[54] Ibid., para. 24 (a).
[55] Ibid., para. 25 (a)–(e).
[56] CRPD/C/VUT/Q/1, para. 33.
[57] CEDAW/C/VUT/CO/4-5, para. 23 (a) and (c).
[58] Ibid., paras. 38–39 (a).
[59] CRC/C/VUT/CO/2-4, para. 33 (a).
[60] Ibid., paras. 17–18. See also CEDAW/C/VUT/CO/4-5, paras. 38 and 39 (b).
[61] CEDAW/C/VUT/CO/4-5, paras. 28–29 (a)–(c).
[62] CRPD/C/VUT/Q/1, para. 31 (b).
[63] For relevant recommendations, see A/HRC/26/9, paras. 99.76–99.78 and 99.80.
[64] CRC/C/VUT/CO/2-4, paras. 44–45 (a)–(b).
[65] For relevant recommendations, see A/HRC/26/9, paras. 99.79 and 99.81–99.84.
[66] CEDAW/C/VUT/CO/4-5, paras. 30 (a) and 31 (a)–(b) and (d).
[67] CRC/C/VUT/CO/2-4, para. 40 (a) and (d). See also CEDAW/C/VUT/CO/4-5, para. 30 (a)–(b).
[68] CRC/C/VUT/CO/2-4, para. 41 (a) and (d)–(e). See also CEDAW/C/VUT/CO/4-5, para. 31 (a).
[69] CEDAW/C/VUT/CO/4-5, para. 27 (d) and CRC/C/VUT/CO/2-4, para. 41 (b). See also CEDAW/C/VUT/CO/4-5, para. 31 (c).
[70] CRC/C/VUT/CO/2-4, paras. 40 (c) and 41 (c).
[71] Ibid., paras. 36 (a)–(c) and 37 (e)–(f).
[72] Ibid., para. 38.
[73] CRPD/C/VUT/Q/1, para. 27.
[74] For relevant recommendations, see A/HRC/26/9, paras. 99.85–99.96.
[75] CRC/C/VUT/CO/2-4, para. 46 (a) and (e).
[76] CEDAW/C/VUT/CO/4-5, para. 26 (c).
[77] CRC/C/VUT/CO/2-4, para. 47 (a)–(f).
[78] CEDAW/C/VUT/CO/4-5, paras. 26 (a) and (d)–(e) and 27 (a)–(c) and (e).
[79] UNICEF, *UNICEF Annual Report 2017: Pacific Island Multi-country Programme*, p. 7.
[80] For relevant recommendations, see A/HRC/26/9, paras. 99.33–99.34, 99.45–99.53 and 99.97–99.98.
[81] CEDAW/C/VUT/CO/4-5, para. 18.
[82] Ibid., para. 19 (a).
[83] Ibid., para. 17 (a).
[84] CRC/C/VUT/CO/2-4, para. 24 (e).
[85] CEDAW/C/VUT/CO/4-5, paras. 20–21. See also CEDAW/C/VUT/CO/4-5/Add.1, paras. 2–31.
[86] CEDAW/C/VUT/CO/4-5/Add.1, para. 17.
[87] Ibid., para. 28.
[88] CEDAW/C/VUT/CO/4-5, paras. 38 and 39 (c)–(d).
[89] Ibid., paras. 4 (b) and 32–33.
[90] For relevant recommendations, see A/HRC/26/9, paras. 99.54–99.55, 99.68–99.69 and 99.72–99.73.
[91] CRC/C/VUT/CO/2-4, paras. 23 and 24 (a)–(b) and (d). See also CRC/C/OPSC/VUT/CO/1, para. 20 (b).
[92] UNICEF, *UNICEF Annual Report 2017: Pacific Island Multi-country Programme*, p. 51.
[93] CRC/C/VUT/CO/2-4, para. 25.
[94] Ibid., paras. 26 (a) and 27.
[95] CRC/C/OPSC/VUT/CO/1, paras. 21–22.
[96] Ibid., para. 26.
[97] Ibid., para. 24 (c).
[98] Ibid., para. 28.
[99] Ibid., paras. 19 (c) and 20 (c).
[100] CRC/C/VUT/CO/2-4, paras. 48 and 49 (a)–(b) and (e).
[101] CRC/C/OPSC/VUT/CO/1, para. 20 (d)–(e). See also para. 34 (a).
[102] Ibid., para. 36.
[103] CRC/C/VUT/CO/2-4, paras. 30 and 31 (a)–(b) and (d)–(e).
[104] Ibid., paras. 32 (b) and 33 (a)–(c) and (e).
[105] For relevant recommendations, see A/HRC/26/9, paras. 99.67 and 99.99–99.104.
[106] CRPD/C/VUT/Q/1, para. 1 (a).
[107] Ibid., para. 35 (a).
[108] CRC/C/VUT/CO/2-4, para. 34.

[109] CRPD/C/VUT/Q/1, para. 1 (b).
[110] CEDAW/C/VUT/CO/4-5, paras. 34 and 35 (b).
[111] CRPD/C/VUT/Q/1, para. 4.
[112] Ibid., para. 26.
[113] CRC/C/VUT/CO/2-4, paras. 34 (b)–(d) and 35 (a)–(b).
[114] UNICEF, *UNICEF Annual Report 2017: Pacific Island Multi-country Programme*, pp. 5 and 12.
[115] CRPD/C/VUT/Q/1, para. 25 (a).
[116] CRPD/C/VUT/Q/1, para. 7.
[117] Ibid., para. 10 (b).
[118] CRC/C/OPAC/VUT/CO/1, para. 17 (a) and (c).